



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 7

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COPY MAILED

In re Application of :
Loop et al. :
Application No. 10/016, 653 :
Filed: December 5, 2002 :
For: DESICCANT BAG WITH ENCLOSED :
EAS TAG AND SECURITY MARKINGS :
:

APR 28 2003

DECISION ON **OFFICE OF PETITIONS**
PETITION

This is a decision on the Petition to revive the above-identified application under 37 CFR 1.137(b), filed April 5, 2003.

This Petition is hereby **granted**.

Background

This application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), mailed January 10, 2002. The Notice required the filing fee, \$370; the oath or declaration and surcharge for late filing of the oath or declaration, \$65. The two-month period for reply was non-statutory, and extensions of time were available under 37 CFR 1.136(a).

A petition under 37 CFR 1.47(a) was filed on August 12, 2002, along with the filing fee, \$370, and surcharge for late filing of the oath or declaration, \$65. However, no oath or declaration was been filed, thus the petition was not grantable. Instead, Petitioner requested a two (2) month extension of time in order to file the oath or declaration. The maximum extendable period having expired on August 12, 2002, no extensions were available. This application became abandoned on August 11, 2002. A Notice of Abandonment was mailed November 19, 2002.

The Instant Petition

With the instant petition, Petitioner has submitted an acceptable oath or declaration. Accordingly, the petition is granted.

This application is being returned to the Office of Initial Patent Examination for continued processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions



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In re Application of : **OFFICE OF PETITIONS**
Loop et al. :
Application No. 10/016,653 :
Filed: December 5, 2002 :
For: DESICCANT BAG WITH ENCLOSED :
EAS TAG AND SECURITY MARKINGS :
: DECISION NOTING
: JOINDER OF LEGAL
: REPRESENTATIVE

This is in response to the correspondence filed August 12, 2002, and supplemented on April 9, 2003, which are being treated as a petition Under 37 CFR 1.47(a). The Letter and Petition for Extension of Time note that a Petitioner was encountering a delay in obtaining the signature of the legal representative of the deceased inventor. In response to the petition, a letter was mailed to Petitioner informing him that the application was abandoned and revival was required. In response to the Letter noting abandonment of the application, Petitioner filed a petition under 37 CFR 1.137(b) and an executed oath or declaration, noting the joinder of the legal representative of the deceased inventor and rendering the petition filed August 12, 2002 moot.

In view of the joinder of the legal representative of the deceased inventor, consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

This application is being returned to the Office of Initial Patent Examination for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Derek L. Woods
Petitions Attorney
Office of Petitions